IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Gabriel Randolph,)	
Plaintiff,)	C/A No. 2:08-3492-MBS-RSC
VS.)	OPPED
Officer Jeffery, Sgt. C. Williams, Officer)	ORDER
Ben Outlaw, and Captain Miller,)	
Defendants.)	
)	

Plaintiff Gabriele Randolph is an inmate in custody of the South Carolina Department of Corrections (SCDC) who currently is house at Lee Correctional Institution in Bishopville, South Carolina. At the time of the underlying complaint Plaintiff was housed at Perry Correctional Institution in Pelzer, South Carolina. Plaintiff, appearing prose, asserts that his constitutional rights have been violated in numerous respects. He brings this action pursuant to 42 U.S.C. § 1983.

On April 16, 2009, Plaintiff filed a motion for temporary restraining order (Entry 29), to which Defendants filed a response on July 27, 2009. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. On August 21, 2009, the Magistrate Judge issued a Report and Recommendation in which he determined that Plaintiff had failed to make the required showing for issuance of a temporary restraining order. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. <u>Camby v. Davis</u>, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, Plaintiff's motion for temporary restraining order (Entry 29) is **denied.** The case is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina September 14, 2009.